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161028Z Oct 02

UNCLAS SECTION 01 OF 02 RANGOON 001343

SIPDIS

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E.O. 12958: N/A

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SUBJECT: LATEST GOB REPORT ON SHAN RAPES FINDS FIVE OUT OF
173 CASES VERIFIABLE

REF: (A) RANGOON 1070 (B) RANGOON 1304

1. (U) Summary: On October 16, the GOB presented results of its latest investigation of the allegations contained in the Shan Human Rights Foundation's "Licence to Rape." The GOB claims that it has now re-investigated all 173 cases and found that only five cases bear even any "similarity" to the incidents in the SHRF report. The GOB has invited UN SR Pinheiro to visit Shan State but was not specific as to what investigative activities, if any, he will engage in. We should insist that SR Pinheiro take an active role in looking into the SHRF allegations when he visits Shan State as there must be a better accounting of what actually happened. The GOB's latest approach to the SHRF report shows that they may be developing an understanding that they cannot just deny allegations of human rights abuses, but the GOB's numbers just do not add up. End Summary.

2. (U) On October 16, the GOB, in the person of the Deputy Minister of Foreign Affairs, briefed all of the chiefs of diplomatic missions and heads of UN agencies on the results of the GOB's latest investigation of the allegations contained in the May 2002 Shan Human Rights Foundation's "License to Rape." This second GOB investigation was only motivated by the realization that the whitewash that the GOB tried to pass off in their report of their original investigation in August 2002 (see Ref A) earned them nothing but skepticism and derision from the international human rights community and the press. The DepFonMin stressed repeatedly that this investigation was "on site, on the ground, and personal."

3. (U) Post previously detailed some of the findings of this latest GOB report that had been passed to us while it was in draft stage. Two of the reported incidents vary considerably from what we had been told in confidence by a senior military officer in early October (see Ref B). A summary of the latest GOB findings is as follows (post is faxing the GOB summary of the five cases to EAP/BCLTV and the GOB is translating the complete report of the investigations of the 173 cases into English for distribution). Case numbers refer to corresponding cases in the SHRF report:

- Case 3: Some confusion on actual name of the perpetrator, but it was an attempted, and unsuccessful, sexual assault. The attacker apologized to the victim publicly and paid a monetary compensation to her. The victim did not press any further charges.

-- Case 53: Villagers reported the rape to the local platoon commander who then ordered the attacker to be brought in for questioning. The soldier resisted, opened fire on his senior officer, and was killed in the ensuing gunfight.

-- Case 55: A clandestine love affair that became very public. The couple was caught "in the act" and publicly embarrassed. According to the GOB investigation, the victim said she had not been sexually molested against her will, the soldier paid compensation to her, her parents, and some neighbors. The soldier was also transferred out of the area.

-- Case 60: A disabled schoolgirl was raped twice in one day, once by a Burmese soldier and once by a soldier of the Shan State National Army (SSNA). The Burmese soldier was tried and sentenced to 10 years hard labor. The SSNA soldier was executed by the SSNA.

-- Case 69: The details of the dates of the incident were different than the SHRF report. However, the crime did occur and one of the attackers was sentenced to life imprisonment and two other soldiers were each sentenced to three years at hard labor. The senior officer in charge of the soldiers forfeited a year of service.

4. (U) The GOB now claims to have investigated all 173 cases of sexual violence against women recounted in the SHRF report and states that these are the only cases that bore even any "similarity" to the incidents in the SHRF report. The DepFonMin also stated that the GOB has invited UN Special Rapporteur Pinheiro to visit Shan State but declined to be

specific as to what investigative activities, if any, he will engage in.

15. (U) The DepFonMin also stated that any future possibility of an independent investigation by an international organization would be "another matter". He stated "categorically" that the GOB considers such an investigation to be an infringement on its national sovereignty.

16. (U) Comment: Although the number of cases that the GOB is even admitting had some foundation in fact is still appallingly small, this latest approach to the whole question of the SHRF report indicates they may perhaps be developing a glimmer of understanding that they cannot just deny allegations of human rights abuses and play the role of conspiracy victim. Their handling of this latest briefing on the SHRF report was much more professional, coherent, and detailed than the previous one, which was a fiasco (see Ref A). However, SR Pinheiro should take a very active role in looking into the SHRF allegations when he visits Shan State. Ideally, the UNHCR could send a team to delve into the allegations. There must be a better accounting of what actually happened - the GOB's numbers just do not add up and claims of national sovereignty do not as wash as a basis to refuse to allow independent investigation of the violence depicted in the SHRF report.
Martinez